IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5694 of 2005

Between:

1 B. Trinadha Reddy, S/o. Late Dandasi Reddy, Hindu,
R/o Khajana Street, Ichapuram, Srikakulam District.
2 B. Nirmala Reddy, W/o. Trinadha Reddy, Hindu,
R/o Khajana Street, Ichapuram, Srikakulam District.

..... PETITIONERS

AND

1 The Secretary, Regional Transport Authority, Srikakulam,
Srikakulam District.
2 The Circle Inspector of Police, Sompet, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Mandamus, declaring the check report dt. 26-2-2005 relating to the bus AP 30/T-6389 of the 2nd respondent and also the refusal of the 1st respondent to receive the appeal filed by the petitioners under Rule 448(B) of the A.P.M.V. Rules, as illegal, improper unjust, arbitrary, lacking bonafides and failure to exercise the powers, with a direction to the respondents to release the bus AP 30/T-6389 with documents seized by the 2nd respondent, immediately.

Counsel for the Petitioners: MR.T.VENKATA RAMANA

Counsel for the Respondent: GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not releasing the vehicle bearing No.AP30 T 6389 and also the action of the 1st respondent in refusing to receive the appeal filed by the petitioners under Rule 448(B) of A.P. Motor Vehicles Rules, 1989 as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport and perused the material on record.

Admittedly, there is a provision under Rule 448(B) of the A.P. Motor Vehicles Rules, 1989 to file an appeal before the 1st respondent. The grievance of the petitioners is that the 1st respondent did not take on file the appeal preferred by them.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the petitioners to file an appeal before the 1st respondent within three days from today. On appeal that may be filed by the petitioners, the 1st respondent shall take appropriate decision within a period of three days from the date of filing such appeal.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

18th March, 2005

bcj

To

1 The Secretary, Regional Transport Authority, Srikakulam, Srikakulam District.
2 The Circle Inspector of Police, Sompet, Srikakulam District.

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies

5 1 CC to MR.VENKATA RAMANA, Advocate

Note: Furnish copy by tomorrow

B/o

bcj